

1906-007 Chancery Causes: William Hyden vs. Emily J. Martin &
Lee Co.

CA - Contract Dispute
T - Property

To the HON. H. A. W. Skeen, Judge of the Circuit Court
For Lee County, Virginia:

Humbly complaining, Your orator Wm/ Hyden, would respectfully represent and show unto your honor, that on the 8th day of May, 1905, he purchased from H. V. MARTIN, a certain tract or parcel of land, known as a part of the Charles J. Taylor, land, lying on Sugar Run in said County, and on the south side of County Road, at the price of \$510.00, four hundred and sixty five dollars, part of said purchase money being in hand paid, and the residue of \$45.00, was to be paid as soon as a good and sufficient deed to said land was made to your orator by said Martin, and the said Martin at the time, executed and delivered to your orator his written contract binding himself to make to your orator a good and sufficient deed to said land, which written contract is in the words and figures, following, to-wit:

" Middlesboro, Ky., May 8th, 1905, KNOW ALL MEN BY THESE PRESENCE, that I H. V. Martin, party of the first part do hereby bargain, sell and convey to Wm. Hyden, party of second part a certain parcel or tract of land, known as a part of the Charles J. Taylor land, lying on Sugar Run in Lee County, Virginia, and on south side of County road bounded as follows, N. C. Burkhardt and H. V. Martin on the north, Albert Forester on the East, Charles Covey on the South, George Burgan on the West, for and in consider of \$510.00 of which \$465.00 has already bin paid, leaving a balance of \$45.00 I bind myself to make Wm. Hyden a good and sufficient deed to said land.

(Signed) H. V. Martin, (Seal)"

The said writing is herewith filed as part hereof marked "A"

Your orator will further represent and show unto your honor that the said H. V. Martin on the _____ day of _____, 1906 departed this life intestate in said county of Lee, without having made any deed to your orator for said land. The said H. V. Martin left at his death, Emily J. Martin his widow and Carrie M. Martin, John P. Martin, Maxie O. Martin, and Ruba F. Martin his children and heirs at law, all of said children being infants under the age of twenty one years. Your orator has not paid the residue of \$45.00 purchase money on said land, but he has been ready and willing to pay the same, at any time, when a good and sufficient deed is made, conveying to him, said tract of land free from encum-

- brance, and your orator here tenders and pays into court along with this bill the said sum of \$45.00, balance of purchase money as aforesaid.

The object of this bill therefore, is to have the said contract of sale specifically executed, and the said land conveyed by proper deed, by a commissioner to be appointed by your honor to your orator, free from any claim of dower therein by said widow, and that so much of the said sum of \$45.00, as may be necessary, be applied to the payment of the costs of this suit, including a fee of \$5.00 to the commissioner for making said deed, or that the said Emily J. Martin, who is guardian for the said infants be decreed to pay the costs of this suit, and said fee, out of the funds in her hands belonging to said infants, of which there is a considerable sum. To this end he makes the said Emily J. Martin, Carrie M. Martin, John P. Martin, Maxie O. Martin, and Ruba F. Martin, the parties defendants to this bill and asks that they be required to answer the same, but not under oath, that being expressly waived, that a Guardian Ad Litem be appointed to appear and answer for said infants, that on a hearing the relief above prayed for be granted your orator, together with all such other further and general relief as his cause may merit. And your orator will ever pray &c.

James W. Orr p.g.

costs:

clerk \$4.06
Shff. .50
atty. 15.00
Tax 1.50
G.A.L. 5.00
Comm. 5.00
\$31.06

Wm Hyden.

vs Bill in Chy.

Emily J Martin et al.

1906. 2nd 100 Rules. Biff. filed.
Spd Exctd by Emily J Martin
vs W. H. as to her
Ans of G.A.L. filed.
1906. 1st 100 Rules. G. A. L. filed.
Cause set for hearing of Biff.

Trans. etc \$15.53
Oct 29 1906.

Wm Hyden.

Hy.

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of
Lee County, Virginia:

The answer of Carrie M. Martin, John P. Martin, Maxie O. Martin,
and Ruba F. Martin, infants under the age of twenty-one years, by
Geo. P. Cridlin, their guardian ad libem assigned to defend them in
this suit to a bill of complaint exhibited against them and another
in this Honorable Court. by William Hyden:

Respondents reserving to themselves the benefit of all just
exceptions to the said bill, for answer thereto, or to so much there-
of as they are advised it is material they should answer the same,
by their said guardian ad libem, answering they say:

That they are infants of tender years, and by reason of their
infancy, are incapable of understanding, or taking care of their
rights and interests. They, therefore, by their said guardian,
commend themselves and their rights and interests to the protection
of the Court, and pray that no decree may be pronounced which will
tend to their prejudice.

And having fully answered, respondents pray to be hence dis-
missed with their costs.

Geo. P. Cridlin
Guardian ad libem for Carrie M.,
John P., Maxie O., and Ruba F.
Martin.

Virginia, Lee County, to-wit:

I, H. C. T. Ewing, County Clerk for Lee County, Virginia, do certi-
fy that Geo. P. Cridlin, guardian ad libem for Carrie M., John P.,
Maxie O., and Ruba F. Martin, this day personally appeared before
me and made oath that the facts stated in the foregoing answer, so
far as made of his own knowledge, are true, and so far as made from
information derived from others, he believes them to be true.

Given under my hand this the 21st, day of November, 1906.

H. C. T. Ewing, Clerk.

William Hyden
vs. { In Oly.
Emily J. Martin et al

Answer of G. A. L.

Filed 2nd November 1902

N. C. J. Ewing,
Clerk.

Wm. Hyden,

Plaintiff.

vs.

In Chancery

Emily J. Martin, et al

Defendants.

This cause came on to be heard upon the papers formerly read in the cause and report of James W. Orr ^{Cour} this day filed in the cause, and the deed therewith from said commissioner to Wm. Hyden, and was argued by counsel. On consideration thereof, and the said report and deed being unexcepted to, it is adjudged, ordered and decreed that the said report and deed be and are hereby approved and confirmed. And nothing further remaining to be done in this cause, the same is ordered to be stricken from the docket.

Wm Hyden
vs { Decree Final
Emily J Martin et al

Entered in C.O.B.
#8, page 231-

Enter this decree
H C W D
Decr 11th 1906.

Wm. Hyden

Plaintiff.

vs.

In Chancery.

Emily J. Martin, et al

Defendants.

This cause came on to be heard upon the bill of the plaintiff and exhibits therewith, the process duly executed on the defendant Emily J. Martin, and the answer of the infants defendants by Goe. P. Cridlin their Guardian Ad Litem, the cause regularly matured at rules and set for hearing by plaintiff, and was argued by counsel. And the said Emily J. Martin failing to appear the bill is taken for confessed against her; and it appearing to the court that the plaintiff ^{has} tendered with ^{his} ~~the~~ bill the sum of \$45.00, the balance of the purchase money due from him for the land in the bill mentioned, and that he is entitled to a deed of conveyance of said land, it is adjudged, ordered and decreed that James W. Orr who is hereby appointed a commissioner for the purpose to convey by proper deed, the tract of land in the bill mentioned, free from any dower claimed by the defendant, Emily J. Martin, ~~xxxxxxx~~ the said tract of land, with covenants of general warranty as to the defendant, but with special warranty only as to himself, and that the plaintiff recover against the defendant ^{and half of} the costs of this suit, which ^{it} is adjudged shall be paid out of the said sum of \$45.00, and in which costs ^{shall} be included a fee of \$5.00 to said commissioner for making said deed, and the residue of the said \$45.00, if any, shall be paid by the clerk to the defendant Emily J. Martin as guardian for the infant defendant to be accounted for by her as such guardian. And the cause is continued to some future day of the present term until the coming in of the said deed.

Wm Hyden
vs Decree 101.

Emily J Martin et al

Entered in C.O.B.
#8, page 226-

Enter this Decree.

J. A. W. Skew
Decr 10th/1906.

Wm. Hy den,

Plaintiff .

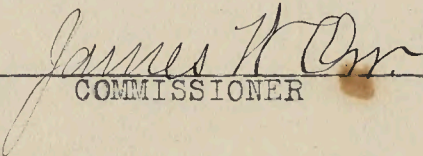
vs.

In Chancery

Emily J. Martin, et al,

Defendants.

The undersigned commissioner in this cause respectfully reports that pursuant to the decree entered therein on yesterday, he has made and executed to the plaintiff, Wm. Hyden, a deed conveying to him the tract of land in the bill mentioned and directed to be conveyed by said decree, and in the manner as to warranty &c. as in said decree said directed, which deed is herewith filed marked "Deed".


COMMISSIONER

Jm Hyden
vs } *Canv Report of*
 Deed.
 Emily J Martin et al.

Filed Decr 11th 1906.

N. C. T. Ewing
Clk.

Louisville & Nashville Railroad Company.

Middleboro, Ky Station May - 8. 11 1903

Know all men by these presents
that I H.V. Martin, Party of the first
part hereby bargain & sell to
to Wm. Hyden Party of second part a
a certain parcel or tract of land
known as a part of the Charles J.
Taylor land lying on Sugar Run in
Lee Co. Va. and on south side of County
Road, bounded as follows: N. E. Burkland
and H.V. Martin on the north Albert
Forester on the East Charles Covey
on the south & Geo. Bungan. on the west
for & in consideration of \$540.00 of
which \$465.00 has all ready been
paid leaving a balance of \$75.00
I bind myself to make Wm. Hyden
a good & sufficient deed to said
lands

H.V. Martin Deal

A. D. Martin
Contract.

"A"
with Bill

Mr Judge Orr

your Will

Na
11

Sir you will find ⁱⁿ close

\$56 50cts and \$4500

is for your Martin

and the \$1150 is for
your fee and other

charges you will write
and let me know when

court set and when

you will need me up
there

Yours truly

Log Monty Will Hyden
Ky

After 5 days, return to

Wm. Hyden

LOGMONT, KY.

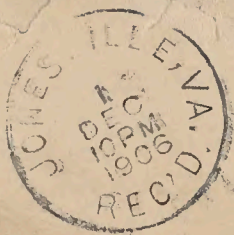


Mr. Ives. Orr,
Jonesville,
Va.

Registered

\$56.50 - \$45.00 purchase
\$10.00 fee
\$1.50
\$2.00

309



Costs: —

Clux \$4.06

Shff. .50

Atty. 13.00

Tax 1.50

G.A.L. 5.00

Comr. 5.00

\$31.06

Write Hayden to send \$17.78 Dec 12/1906

1/2 costs 15.53
Clk recording dec 2.25-
\$17.78

Cpts.
Memo

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Emily J. Martin Carrie M.
Martin, John C. Martin, Marie O. Martin and
Ruba F. Martin*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *Nov.*, 190*6*, to answer a bill in chancery exhibited against *them*

in our said Court by J^m Hyden

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *16th*
day of *Nov.*, 190*6*, and 1 *31st* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

J. M. Hyden

VS

}

SUBPOENA
IN
CHANCERY.

Emily J. Martin ex d

Ans. ~~Ans.~~ p. q

To *2nd Nov.* Rules.

See Circuit Court.
1906.

*executed by
delivering a true
copy of the within
to Emily J. Martin
on the 17 day nov
1906
J. J. Hughes D S
for T. M. Ball
S L C*